



January 23, 2004

SENATE BILL No. 41

DIGEST OF SB 41 (Updated January 21, 2004 4:08 pm - DI 104)

Citations Affected: IC 16-18; IC 16-25; IC 16-27.

Synopsis: Home health agency and hospice council. Creates the home health agency and hospice council. Provides that the state department of health shall pay the council's expenses. Allows the council to propose rules and act as an advisory body.

Effective: July 1, 2004.

Miller

November 18, 2003, read first time and referred to Committee on Health and Provider Services.
January 22, 2004, amended, reported favorably — Do Pass.

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SB 41—LS 6135/DI 110+



January 23, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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SENATE BILL No. 41

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-84 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 84. "Council" refers to
3 the following:

- 4 (1) For purposes of IC 16-21, the hospital council.
5 (2) **For purposes of IC 16-25 and IC 16-27, the home health**
6 **agency and hospice council.**
7 (3) For purposes of IC 16-28 and IC 16-29, the Indiana health
8 facilities council.
9 ~~(3)~~ (4) For purposes of IC 16-46-6, the interagency state council
10 on black and minority health.

11 SECTION 2. IC 16-18-2-96, AS AMENDED BY P.L.2-2003,
12 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2004]: Sec. 96. (a) "Director", for purposes of IC 16-19-13,
14 refers to the director of the office of women's health established by
15 IC 16-19-13.

16 (b) **"Director", for purposes of IC 16-27, means the individual**
17 **acting under the authority of and assigned the responsibility by the**

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1 **state health commissioner to implement IC 16-27.**

2 (c) "Director", for purposes of IC 16-28, IC 16-29, and IC 16-30,
3 means the individual acting under the authority of and assigned the
4 responsibility by the state health commissioner to implement IC 16-28,
5 IC 16-29, and IC 16-30.

6 ~~(c)~~ (d) "Director", for purposes of IC 16-31, refers to the director of
7 the state emergency management agency established under
8 IC 10-14-2-1.

9 ~~(d)~~ (e) "Director", for purposes of IC 16-35-2, refers to the director
10 of the program for children with special health care needs.

11 SECTION 3. IC 16-18-2-97 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 97. "Division" means
13 the following:

14 (1) For purposes of IC 16-22-8, the meaning set forth in
15 IC 16-22-8-3.

16 (2) **For purposes of IC 16-27, a group of individuals under the**
17 **supervision of the director within the state department**
18 **assigned the responsibility of implementing IC 16-27.**

19 (3) For purposes of IC 16-28, a group of individuals under the
20 supervision of the director within the state department assigned
21 the responsibility of implementing IC 16-28.

22 ~~(3)~~ (4) For purposes of IC 16-41-40, the meaning set forth in
23 IC 16-41-40-1.

24 SECTION 4. IC 16-25-3-2.5 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2004]: **Sec. 2.5. The state department shall administer this**
27 **chapter with the advice of the council established by**
28 **IC 16-27-0.5-1.**

29 SECTION 5. IC 16-27-0.5 IS ADDED TO THE INDIANA CODE
30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2004]:

32 **Chapter 0.5. Home Health Agency and Hospice Council**

33 **Sec. 1. (a) The home health agency and hospice council is**
34 **established.**

35 **(b) The council consists of fourteen (14) members as follows:**

36 **(1) One (1) licensed physician.**

37 **(2) Six (6) individuals as follows:**

38 **(A) One (1) individual engaged in the administration of a**
39 **for-profit home health agency.**

40 **(B) One (1) individual engaged in the administration of a**
41 **nonprofit home health agency.**

42 **(C) One (1) individual engaged in the administration of a**

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- 1 hospital based home health agency.
 2 (D) One (1) individual engaged in the administration of a
 3 for-profit hospice.
 4 (E) One (1) individual engaged in the administration of a
 5 nonprofit hospice.
 6 (F) One (1) individual engaged in the administration of a
 7 hospital based hospice.
 8 (3) One (1) registered nurse who is licensed under IC 25-23
 9 and experienced in home health or hospice care.
 10 (4) One (1):
 11 (A) physical therapist licensed under IC 25-27;
 12 (B) occupational therapist certified under IC 25-23.5; or
 13 (C) speech-language pathologist licensed under IC 25-35.6;
 14 experienced in home health or hospice care.
 15 (5) One (1) citizen having knowledge of or experience in
 16 hospice care.
 17 (6) One (1) citizen having knowledge of or experience in home
 18 health agency care.
 19 (7) One (1) registered pharmacist who is licensed under
 20 IC 25-26 and experienced in home health or hospice care.
 21 (8) The commissioner or the commissioner's designee.
 22 (9) The director of the division of disability, aging, and
 23 rehabilitative services or the director's designee.
 24 (c) The governor shall appoint the members of the council
 25 designated by subsection (b)(1) through (b)(7).
 26 (d) Except for the members of the council designated by
 27 subsection (b)(8) and (b)(9), all appointments are for four (4) years.
 28 If a vacancy occurs, the appointee serves for the remainder of the
 29 unexpired term. A vacancy shall be filled from the same group that
 30 was represented by the outgoing member.
 31 (e) Except for the members of the council designated by
 32 subsection (b)(2), a member of the council may not have a
 33 pecuniary interest in the operation of or provide professional
 34 services through employment or under contract to a home health
 35 agency licensed under this article or a hospice licensed under
 36 IC 16-25.
 37 Sec. 2. (a) The state department shall pay the expenses of the
 38 council.
 39 (b) A member of the council who is not a state employee is
 40 entitled to the minimum salary per diem provided by
 41 IC 4-10-11-2.1(b). A member is entitled to reimbursement for
 42 traveling expenses as provided under IC 4-13-1-4 and other

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1 expenses actually incurred in connection with the member's duties,
 2 as provided in the state policies and procedures established by the
 3 Indiana department of administration and approved by the budget
 4 agency.

5 (c) Each member of the council who is a state employee is
 6 entitled to reimbursement for traveling expenses as provided under
 7 IC 4-13-1-4 and other expenses actually incurred in connection
 8 with the member's duties as provided in the state policies and
 9 procedures established by the Indiana department of
 10 administration and approved by the budget agency.

11 Sec. 3. The governor shall appoint one (1) council member to
 12 serve as chair and one (1) council member to serve as vice chair.

13 Sec. 4. The director serves as secretary to the council.

14 Sec. 5. (a) The council shall meet at least six (6) times a year.

15 (b) Special meetings of the council shall be called by the chair
 16 upon the written request of four (4) members of the council.

17 Sec. 6. (a) Eight (8) members of the council constitute a quorum
 18 for the transaction of all business of the council. The affirmative
 19 votes of a majority of the voting members appointed to the council
 20 are required for the council to take action on any measure.

21 (b) The council shall establish procedures to govern the
 22 council's deliberations.

23 Sec. 7. The council shall do the following:

24 (1) Propose the adoption of rules by the state department
 25 under IC 4-22-2 governing the following:

26 (A) Health and sanitation standards necessary to protect
 27 the health, safety, security, rights, and welfare of home
 28 health care patients and hospice patients.

29 (B) Qualifications of applicants for licenses issued under
 30 IC 16-25 and IC 16-27.

31 (2) Recommend to other state agencies or governing bodies
 32 rules necessary to protect the health, safety, security, rights,
 33 and welfare of home health care patients and hospice patients.

34 (3) Act as an advisory body for the division, state health
 35 commissioner, and state department.

36 Sec. 8. The council may recommend interpretive guidelines
 37 when necessary to assist a home health agency or hospice in
 38 meeting the requirements of a rule.

39 Sec. 9. (a) The state department may request the council to
 40 propose a new rule or an amendment to a rule necessary to protect
 41 the health, safety, rights, and welfare of the home health care
 42 patients and hospice patients. If the council does not propose a rule

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1 within ninety (90) days after the state department's request, the
2 state department may propose the rule.

3 (b) The executive board shall consider rules proposed by the
4 council under this section and section 7 of this chapter. The
5 executive board may adopt, modify, remand, or reject specific
6 rules or parts of rules proposed by the council.

7 (c) To become effective, all rules proposed by the council under
8 this chapter must be adopted by the executive board in accordance
9 with IC 4-22-2.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 41, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 37, delete ", each of whom is engaged in the" and insert **"as follows:"**.

Page 2, delete line 38.

Page 2, line 39, after "(A)" delete "A" and insert **"One (1) individual engaged in the administration of a"**.

Page 2, line 40, delete "A" and insert **"One (1) individual engaged in the administration of a"**.

Page 2, line 41, delete "A" and insert **"One (1) individual engaged in the administration of a"**.

Page 2, line 42, delete "A" and insert **"One (1) individual engaged in the administration of a"**.

Page 3, line 1, delete "A" and insert **"One (1) individual engaged in the administration of a"**.

Page 3, line 2, delete "A" and insert **"One (1) individual engaged in the administration of a"**.

Page 3, line 3, after "nurse" insert **"who is"**.

Page 3, line 3, delete "IC 25-23." and insert **"IC 25-23 and experienced in home health or hospice care."**.

Page 3, line 13, after "pharmacist" insert **"who is"**.

Page 3, line 13, delete "IC 25-26." and insert **"IC 25-26 and experienced in home health or hospice care."**.

Page 4, line 4, delete "Each year the council shall elect from among council" and insert **"The governor shall appoint one (1) council member to serve as chair and one (1) council member to serve as vice chair."**.

Page 4, delete line 5.

Page 4, line 11, after "council." insert **"The affirmative votes of a majority of the voting members appointed to the council are required for the council to take action on any measure."**.

Page 4, line 37, delete "1" and insert **"7"**.

and when so amended that said bill do pass.

(Reference is to SB 41 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 2.

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